

To the KINGs most Excellent Majesty,

And the

Lords and Commons now Assembled in Parliament.

Reasons offered in order to the passing an Act of Parliament against Imprisonment by Arrests upon the Writs of *Capias*, Bills of Middlesex and Latitates.



L. L. Pleas are either *placita corone*, otherwise called *criminalia*, or *communia*, otherwise called *civilia*. Mirror. cap. 1. Sect. 4. Stamford. 1. pl. cor. f. 1. Cook 2. instir. f. 22.

In all criminal causes whereto the King was alwayes a party, the bodies of men at the Common Law, were subject to Arrests and Imprisonments: So where the Action was *vi & armis*, a *Capias* Lay in Proceſs, and in such case a *Capias* Lay after judgement, the King might have a *Capias pro fine*; And where a man was a Debtor or Accomptant to the King, his body, goods, and land, were liable to the execution of the King. Sir Will. Herberts c. 3. Rept. Cook 2. instir. f. 394.

Mr. Kitchen saith, That by the Ancient Common Law of the Land, the Proceſs in Common Pleas, was Summons, Attachment, and distress infinite, the *Distringas* being successively distant fifteen days one from another. Kitchen retort. bred. f. 4. tit. Com. Banc.

At the Common Law, where a Subject recovered a judgement for debt or damages, he could not (except in some particular cases) take the body of the Defendant in execution, or his Lands, but his Goods, and Chattels, and the profits of his Lands, for which purpose the Law gave two several Writs; one a *Levari facias*, whereby the Sheriff was commanded, *quod de terris, & catallis, levari faciat, &c.* and the other a *fieri facias*, which was only *de bonis, & catallis*. Sir Will. Herberts c. 3. Rept. Cook 2. instir. f. 394.

This being the Ancient Common Law of the Land, That the body should not be taken in execution for debt or damages, unless it were in special cases: The Lord Cooke saith, that the reason thereof, was, that the person should be at liberty not only to follow his affairs and business, but should be ready to serve the King, and the Countrey, when need should require. Cook 2. instir. ibid.

Magna Charta confirms the Law and usage in this particular, Chap. 29. which was made in the 9th year of H. 3. and *Anno Domini*, 1224. which establisheth *quod nullus liber homo capiatur aut imprisonetur, &c. nisi per iudicium parium suorum vel per legem terre.* Magna Charta. cap. 29.

The first Act of Parliament that made the person liable to an Arrest in Common Pleas, was *Marebridge*, cap. 23. made 32. H. 3. and *Anno Domini*, 1267. whereby a *Capias* was given in Accompt, if the Accomptant had not Lands whereby to be distrained. Marebridge. c. 23.

The mischief before this Statute, saith the Lord Cooke, was, that the Accomptants seeking *Subterfuges*, did withdraw themselves, and became Vagrant, flying to secret places, sometimes into Forreign Counties, and had no Lands or Teneiments, whereby they might be distrained; so as the Lords were in a manner remediless. Cook. 2. Instir. f. 143.

By *Westminster*, 2. cap. 11. made the 13th. Edw. 1. Exigent is given against Accomptants, as Bayliffs, and Receivers, but not against Guardians in Soccage, as the Lord Cooke saith; so might such Accomptants be committed to prison, by Auditors, being found in Arerages. Westm. 2. c. 11. Cook 2. Instir. f. 380.

There was a mischief amongst Merchants and Tradesmen, for want of a more speedy recovery of their debts, than the Common Law gave, by reason Merchants and Tradesmen could not Trade without ready money, and Merchant-Strangers were enforced to stay



To the *KINGS* most Excellent *MAJESTY*,
And the
Lords and Commons now assembled in *PARLIAMENT* ;
The humble Petition of the Prisoners for Debt,

Humbly sheweth,

THat your Petitioners and their Sureties being disabled by the late intestine War, and by the casualties thereof made incapable of payment of their debts, yet notwithstanding to the utter ruine of your Petitioners, their persons have, and are arrested by *Capias*, Bills of *Middlesex*, and *Latitates*, as well upon feigned Actions as real; and cast into noysome Goals and Dungeons to be tormented and enslaved by the Keepers and Goalers, by whose cruelties all your Petitioners had, is by unlimited Fees extorted and wrested from them, to the absolute beggary and perdition of your Petitioners, their wives and children, contrary to the Lawes of God, Nature, most Nations, the *Magna charta*, *Petition of Right*, and other the known Laws of this Land.

Wherefore your Petitioners pray that their sad and languishing condition may be considered and redressed, and your Petitioners now in durance for debt, may be set at liberty, and all Arrests for the future taken away; that imprisonment may not obstruct their endeavours, either at present, or hereafter; but that they may have their liberty, and industries for payment of their debts, as God shall enable them: (especially now in this day of Englands great Jubile, and universal Grace extended to all offenders and offences) your Petitioners being chargeable with no other Crimes but poverty (occasioned by the distractions aforesaid) may not be the onely persons cast off, and set by, as incapable either of memory or mercie.

And your Petitioners, &c.

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Alton Burnet.
11. Ed. 1.
Stat. de Mer-
cat. 13. Ed. 1.

25. Ed. 3. c. 17.

19. H. 7. c. 9.

23. H. 8. c. 14.

The *Capias*
being near 200
years before
admitted a-
gainst all per-
sons.

stay here longer than their Tending required, for recovery of their debts. And therefore the Statute of *Alton Burnet*, was made the 11th of *Edw. 1.* whereby a Statute-Merchant was devised, and the body of the Conizor made liable, if his moveables were not sufficient, whereupon to levy the debt, and afterwards the Statute of *Mercatoribus* made 13th. *Edw. 1.* Adds further strength to this Law, and makes the Body, Goods, and Lands of the Conizor, liable in a Statute-Merchant: These two Laws were then made for the more speedy recovery of debts between Merchants.

The next Statute was the 25th. *Edw. 3. cap. 17.* which gives the like process in Actions of Debt, as in Accompt, and in detinue of Cattle, and taking of beasts.

By the 19th. *H. 7. cap. 9.* like process was given in Actions upon the case, as in Actions of Trespass or Debt, in the Kings Bench, or Common Pleas.

By the 23. *H. 8. cap. 14.* like process in every Writ of Annuity and Covenant, is given as in debt.

Thus by degrees mens persons, by several Acts of Parliament made in the Reign of several Kings, became liable to Arrests and Imprisonments, in Common Pleas, as namely Actions of Debt, Accompt, Detinue, Trespass, Annuity, upon the case Covenant.

It is said in *Sir William Herberts* case, 3^d Report in the Argument upon this Subject, that the Common Law is founded upon the perfection of Reason; and surely, there be many great and important Reasons, why the Ancient Common Law should be again restored in this point.

Not to insist upon that which the Lord Cook says was the mischief that introduced the *Capias* upon the said Statute of *Marebridge*, which was the first Statute made for such Process, which was because Accomprants withdrew themselves out of the power of the Lords, and therefore the Lords obtained a *Capias*, to take them where they could find them, to bring them to an accompt: Now if the Accomprants withdrawing themselves, was a good reason for obtaining a *Capias*, if this Process make Debtors and Accomprants more to obdure and withdraw themselves, so as they dare not appear to follow their business, or manage their estates to the best advantage, thereby to enable themselves to pay their Debts, for fear of Sheriffs, Bayliffs, Sergeants, &c. who lie in wait for them, it may seem to be a good reason for taking away that Process; for, when a Statute is made to remedy a mischief, and that mischief is increased by it, that may be a ground to take away that Statute, as well as to make it.

The grievances which the Act of the 25 of *Edw. 3.* and other Acts (on which the Writs of *Capias*, &c. are grounded) have introduced upon the People and Subjects of this Nation are such, that they languish to utter ruine in the execution thereof, as daily appears by these ensuing evils committed upon Arrests by *Capias*, Bills of *Middlesex* and *Latitantes*.

All Noblemen's
younger sons
are liable to
Arrests, as well
as others,
upon a com-
mon Writ of
Capias, Bills of
Middlesex or
Latitantes.

* The number
of prisoners in
the several
Goals of this
Kingdom being
conceiv'd to be
at least 10000.
The ruins of
men but ions
of credit to all;
besides, if it be
remote from
London, it may
cost 50, or 60. l.
charges

First, men are arrested oft-times for pretended great debts, when in truth the persons Arrested may owe nothing, but this violence offered, is upon spleene, revenge, or malice, the persons thus arrested (whether the action be real or feigned) if worth one thousand pounds, more or lesse, when committed to prison, are suddenly reduced to nothing, by the unfariable Rapacity of Goalers, by which imprisonment the prisoners sustain the losse of credit, exposed to cheats and oppression, by friends, by Tennants, by servants, &c. bereft of all endeavours, and employments, besides the losse of health, seperated from their wives, children and families, and what else is dear to any man, left only to be buried alive, to be tormented with the debaucheries of the Prison, and their own discontents, by which it appears this weapon (at the pleasure of any man to use) doth devour and rob the Kingdom of * as able, and active persons to serve their Countrey, in peace and War, in any condition whatsoever as any other living in it; by destroying thousands of them in holes and Dungeons, to satisfy private interest, to the great and unheard of oppression and ruine of the Subject and People of this Nation.

Secondly, If the Arrest be in a Corporation (if a stranger) he must therelie in prison, if not bayled by freemen of that Corporation; and if the person so arrested will not lie in prison, the prisoner must remove himself by *Habeas corpus*, by which charge and Fees to Goalers, Undersheriffs, Bailiffs, and Serjeants, &c. (increasing in a large proportion) the Debtor becomes greatly disinabled for payment of his Creditor.

Third.

Thirdly, If the Prisoner arrested be removed by *Habeas corpus*, and brought up before the Judges; and be not there able to put in Bail, the Prisoner is then sent a Prisoner to the Kings Bench, or the Fleet.

If to the Kings Bench, then must he lie there three termes before the party that arrested them, by the Rules of that Court, is bound to declare upon what cause of action the party so Arrested is imprisoned, which time, before a Declaration is filed (as it may happen) will be three quarters of a year, to the destruction of the person thus causelessly and maliciously Arrested.

If committed to the Fleet, there can be no Declaration filed against the prisoner, unless by *Habeas corpus* brought up to the *Common Pleas* Bar first, there to be charged; and whether the Action be feigned, or real, the prisoner hath no remedy at all for such Arrests, wrong, oppression, imprisonment, breach of credit, and damages sustained in his estate (it may be) to the utter ruine, and undoing of his wife, children, and family.

Fourthly, The words of the Action for debt, is but a surmise; and it's a most desperate thing for a man to be actually imprisoned upon a surmise only.

Fifthly, Arrests and Imprisonment take away all industry and endeavors from all men; and by the want of mens liberties, the Kingdom sustains great damage, the parts and abilities of mens minds and bodies in their severall capacities, being stifled, and buried alive in Dungeons, and loathsome prisons; whereas mens liberties and industries, hath enabled thousands of men to pay their debts, and raise their fortunes, which by restraint had been impossible: Imprisoning and immuring men, fitting them only to have all they have torn from them to satisfy the extorted fees of cruel Goals, and their adherents.

For if a poor labouring man, or mean Tradesman borrow, or become engaged for ten or twenty pounds, more or less, upon his own security, or otherwise, by his liberty and freedom to follow his Calling, or labour, perhaps earns thirty pounds, or forty pounds a year, and he thereby is enabled to disengage and make payment of his debts, and provide for his family while he is at liberty; but when once Arrested, and cast into prison, his credit is lost, his endeavour in his calling or labour taken from him, and suddenly bereft of all he has, and himself, wife and children left to perish by beggery and misery, which poor man before his Arrest and imprisonment, was able, by his liberty, labour, and endeavors, to have maintained his credit, paid his debts, and provided for his wife and children.

Sixthly, Arrests are dangerous in the consequence; for many times Murthers and Man-slaughters do happen to the ablest of men, both of parts, estates and qualities, thereby subjecting them to the force, rudeness, and vilest usage of the worst of men, mercilels and cruel; for Bailiffs, Serjeants, and Marshals men, regard neither age, sex, nor condition or quality; for that the Arrests and violent attempts made to enslave men, serve only to enrich the Under-sheriff, Bayliffs, Serjeants, Catchpoles, Goalers, and such like, and for the maintenance of their Ryot, Excess, Drunkenness and Debauchery, for which cause they extort unreasonable Fees, taking Brides of all hands, buying and selling both Creditor and Debtor for their own profits, apprizing, and under-hand-selling, to their own uses, for the tenth part of the worth of the poor prisoners goods and chattels, So that the greatest part being devoured by those Cambals, the prisoner and his family is thereby utterly undone and destroyed, and the Creditors, in all things, but their malice, left altogether unsatisfied.

Seventhly, Great damages are frequently recovered against Sheriffs upon rescues made, and escapes, as every days experience brings forth.

All Writs, and Procees in Law, are truly intended for Remedy and Redress, not for Revenge, Oppression and Wrong, as the practice is now adays; And is it not monstrous in nature, and reason, that a man shall be allowed a Replevin, to save a beast from starving in Pound, and that man himself only should be shut up in Prison to perish without hope or relief?

Quest. How the poor borrowed money before the Act of 25 E. 3.

Quest. Whether any person be enabled to pay their debts by being arrested and imprisoned.

Thus far the Evils of the Bills of *Middlesex*, *Latitantes*, and *Capias*.

If the Arrests be made after *Trinity Term*, the party need not declare till *Easter Term* following.

Contrary to the *Common Law* and *Magna Charta*. c. 29.

The words (*de* *his* *ut* *dic* *it*).

Sheriffs by Escapes and Rescues undone. *Nota.*

The mischiefs attending the Utlaries, transcend that of the Capias, Bills of Middlesex and Latitate.

Utlawed persons are said to be *Utlagati*; that is, *extra legem positi*, deprived of the benefit of the Law, the penalty whereof was great, and so great, that in the Reign of King *Alfred*, and a good while after the conquest, no man could be utlawed, but for felony, the punishment whereof was death.

In *Bractons* time, and somewhat before, process of utlary was ordained to lie in all actions that were *quære vi & armis*, which *Bracton* calleth *delicta*, for there the King should have a Fine.

By diverse Statutes since made, as the imprisonment of mens persons by *Capias*, Bills of *Middlesex*, *Latitates*, and *cap. ad satisfac.* after judgements, hath by degrees crept in, to the alteration of the common Law, in actions of account, debts detinue, covenant actions upon the Stat. of 5. Ri. 2. and actions upon the case; and in diverse other common or civil actions, so utlawries of mens persons thereupon hath ensued; but the mischiefs that attend the utlawry of mens persons, do much transcend those of arrests and imprisonments of mens persons; for,

First, By *Utlaries* before and after Judgment, the Debtor suffers more than in any other thing yet known in *England*; yea, more than by man-slaughter, or petty Larceny; for in all those things the Subjects are allowed a defence, but for this none; In all Courts, and for all Actions, the persons concerned, must have cognizance of the proceedings, something must be committed. But an *Utlary*, though supposititious and fictitious, is sufficient alone to serve the turn, for the destruction of the party utlawed: the Delinquents in Criminal Acts, for some Causes forfeit but Chattels, and personal estate only, and for those a pardon of course for suing out: But upon an *Utlary*, the Debtors Chattels and personal estates are wholly lost, and the real estate seized and extended for the King (who is not six pence a year benefited) nor the Creditors one farthing. The mean profits not being in any part discounted for the debt, and yet the utlawed person destroyed, and all his Creditors defeated of their just debts; if the debt be small (the cure is worse than the disease.) If a great one, the Debtor is never able to give in security, to reverse the utlawry, and free the extent upon the utlawry, but perishes inevitably, and not a penny of the debt lessened to the Creditor, or shared to the Debtor, nor the Kings Majesty, above 4. sh. or 10. sh. a year enriched, and that consumed in Fees also.

Chcq; Leases.

Secondly, The poor utlawed Debtor can neither sue for, or recover any Debt, or Rent due to him, or try any Title for recovery of any Estate, or let any Lease, or make his last Will and Testament, or do any other act to help himself, or his Family, after his death; neither can the son reverse the fathers *Utlary* after his death; so that once utlawed after Judgement, or otherwise, and the whole Family is ruined for ever. And none but Sheriffs, Bailiffs, Goalers, and their Officers, one farthing the better; neither can the utlawed person sue or implead his oppressor; and all for debt (which is no crime) and yet criminous persons are not subject to, or oppressed with such mercilefs extremities; neither is it possible for, or in the power of any man, how provident, or clear from debt soever, to prevent, or free himself from this snare and pitfall of destruction.

4. H. 7. 17.
Brook. utl. 41.
Litl. Stell. 197.
Cook 1. Inst.
128. 6.
8. E. 4. 6.

Thirdly, A Ward might call his Guardian to account, and was privileged from being sued in other Courts, and had protection both of his person and estate; but here is no account for profits, nor right for wrong; no protection of person, but oppression in all, and barr'd from all relief and remedy (yea, even so much as to complain) so as the mischief of the utlawry incomparably transcends the *Capias*, in that the *Capias* attaches the person only, the utlawry, body, lands, and goods.

18. E. 4. 4.
Nichols Py.
Nichols Pl. 487

Sir John Michels case.

Fourthly, If two or three joyn to lend 100. or 1000. l. more or less, to a third person, and one of the Creditors utlawed (though perhaps unknown) the whole Debt is forfeited to the King, and the Debtor can pay neither of the three, or two, which lent the money; so as those that are not utlawed, have lost their money, and forfeited their debt, as well as he that is utlawed.

Contrary to Justice, that he that hath not

The Fee for Tenants in Common; if any of them are utlawed, the whole Estate of the other Tenants becomes forfeited and seized for him that's utlawed, and the

the other Tenants not outlawed shall have no remedy, nor can reverse the others outlawry, being none of theirs: And any man may be outlawed on pretence of debt, detinue, or trespass, whether true or false, and never know of it; the outlawry may be undiscoversed, and the person die under that danger, to the destruction of his posterity.

Fifthly, Forfeitures by outlawries go to the Crown, without benefit to the party whose satisfaction the Law intends, and the parties thus outlawed, are without remedy against the party that doth the wrong, and without relief as to the King, for forfeited Goods and Chattels, if not (*ex gratia*.) Besides the injury done in fleecing those Goods by Bayliffs, and their under-Sheriffs, who share with the King in the greatest proportion of such Forfeitures; by which His Majesty loses a million of pounds yearly and the people ruined.

Sixthly, Outlawries brings the Free-hold under Seizures and Extents, and is exceeding chargeable to plead unto, and to reverse, and the use which is made of seizures and extents thereon, is known to be little available towards satisfaction of Creditors their just debts, but absolute destruction to the outlawed person; the parties outlawed may be sued, but cannot sue for his own, outlawries being disablement in Law. 'Tis hard to pay, where men cannot receive.

These mischiefs by the corruption of practice, have crept in under this Act of 25. E. 3. notwithstanding upon complaint of the people in the 44th year of the same King Edw. 3. it was repealed, and the Subject remitted in their former Right, according to the Common Law, and *Magna Charta*, save only to such as were Accomprants to the King.

It is not unknown to all Judicious, That by the common Law of this Nation, no mans person could be arrested in debt or detinue, &c. the Lands, Goods, and Chattels of the Debtor were only liable to Execution, which the Law allows for satisfaction of Creditors: And former times, in cases of Debt between party and party rested thereupon, the person of the Debtor being in strict Imprisonment, payes not the Debt to the Creditor, but most times satisfies the malice of the Creditor only. And it cannot be denied, that the Lords now living, and as Peers freed from Arrests, yet pay their Debts out of their Estates, as well, and better than such as are Prisoners can do (which very prescient obvious to all) makes it appear that imprisonment neither advantages, nor prejudices the Creditor, but serves only to enrich the Goaler, and by him the Prisoner is ruined. The fore-going mischiefs, trouble, loss, oppression, and damage considered, which doth daily happen by the Villainous Crew of Bayliffs, Serjeants, Goalers, &c. to the enslaving and oppression of the Subjects; and all derived from that Act of 25. E. 3. and how repugnant the present practice is to the known Laws of this Realm: It will plainly appear, that this one Nation is impoverished yearly by Sheriffs, Bayliffs, Serjeants, Marshals-men, Process makers, *Habeas Corpus*, Day-writs, Rules, Waiters, Keepers, Goalers, Wardens, with bribing Sheriffs, and their Deputies, and Bayliffs for intelligence, and for forbearing of arrests, and prosecutions, besides the personal villanies and injuries put upon men of all conditions by these Tormentors, more than one million of pounds yearly in ready Coyn, for which the Creditor is not the better one penny; which were better disposed of, and paid for the defence of the Nation, and payment of Navies, &c.

In short, that this practice now on foot upon the *Capias*, Bills of *Middlesex*, latitudes, and outlawries, may be the more Triumphant to the enslaving of all, it speaks thus:

Outlaw a Noble man, and he is made incapable to sit in the House of Peers, till the outlawry be reverted; and may be arrested as a Common person, being outlawed; and all his Goods and Chattels forfeited, and appraised by every Under-Sheriff, and sold, and brings his real estate under extent.

Outlaw a Clergy-man of what degree or qualification soever, and their living and personal Estates are both forfeited together, and by any Under-Sheriff sold as aforesaid, if it be in his Bayliwick, and his person imprison'd, if arrested.

Outlaw any Gentleman, and it's the same; his person and estate, both real and personal forfeited, and himself, if arrested, a prisoner.

Outlaw

offended; should be punished.

Every mans condition.

9. H. 6. 10.

49. E. 3. 5.

4. H. 7. 17.

Forfeitures the Kings.

38. E. 3. 22.

16. E. 4. 4.

Brook. utl. 17.

20. H. 20.

21. H. 7.

13. Aff. p. 5.

5. H. 6. 10.

The Act of 25.

E. 3. repealed,

save to accomprants to the

King.

Cook 2. Inst. f.

394.

(Vid.) Cook

part 2. 3. 12.

13. H. 4. 1.

* Malebridg. c.

23.

More than one

Million of

pounds spent

yearly to en-

slave the Na-

tion.

Utlaw any Lawyer, and he is made incapable to plead at bar, his person; if arrested, imprisoned; and his estate, both real and personal, the one extended, the other forfeited.

Utlaw any Citizen rich in stock, as a Merchant, Jeweller, Goldsmith, or any other Eminent Tradesman, what he hath is forfeited, and himself a prisoner, if arrested.

All men may be arrested and utlawed under feigned Actions, by created and supposititious names, to their utter undoing, and never find out either Plaintiff or Attorney, to recover their damages.

Now the freeing, discharging, and setting at Liberty all Prisoners now in Prison, and under restraint for Debt, and the Repealing of this Act and all others of 25. E. 3. and the taking away of all arrests and outlawries, and the sad consequents and effects thereof, so much contrary to the *Magna Charta*, Petition of Right, and the Common Law, elder than both, is the matter aimed at, and humbly pray'd for; that so the Subject may be remitted and restored to their former Laws, *ab origine*: And it's no new thing, when the continual Repealing in all Ages of divers Statutes, when found inconvenient, or against the Common Law, makes it manifest.

As, Tenure is Villinage.

Mortmaines on Abbies.

Knight Templers, and St. Johns.

Bishops Courts for being burdensome

and chargeable to the people — 80000. l. per annum.

The High Commission Court.

The Court of Star-Chamber, and divers others.

And that it may be Enacted in the future, that no person whatsoever shall be arrested or out-lawed for any matter or thing whatsoever (not criminous) in the Act of 25. E. 3. and other Acts contained, for the avoiding the manifold mischiefs aforesaid, and the slain in general introduced upon the whole Nation. The deep sence His late Majesty (of blessed Memory) had of His Peoples sufferings, occasioned by the Writs and Process as aforesaid, made His Majesty intend to have recommended the enlargement of Prisoners for debt, and the abolishing of all arrests and outlawries for the future, to the then Parliament, could His Majesty have received any recompence for the remitting of Forfeitures, and other Profits arising to His Crown, which by an Act now tendred to the Honourable House of Commons is provided for.

How much terror and sorrow of heart the People and Nation in general lie under, who now hide themselves, and languish to death under the fear of imprisonment and arrests, consuming all their fortunes, not daring to shew themselves to manage it to their best advantage, toward the payment of their debts, or otherwise, for fear of Sheriffs, Bayliffs, Serjeants, Marshals-men, Goalers, &c. the Subject and the ir Posterities by this means being born slaves, liable to all arrests, imprisonment, and outlawries; and on all accidents to beggary and bondage at every mans will and pleasure: On the contrary, upon the passing of this Act of Grace, depends the good and welfare of the People, the whole Nation being manumitted and enfranchized in their persons, restored in Lawes, secured in Estates, and of a base and slavish Nation, made Noble and Free, as they were before the Act of 25. E. 3. other Acts was had.

To conclude, If Traytors and Felons of all sorts, expect remission and pardon of their offences, upon the blessed Restauration of His Sacred Majesty how is it to be doubted, but that the good Subjects of this Land and Nation (not criminous) shall find remedy and redress, and be relieved from their sad and lamentable thralldom and bondage; especially when the known Law or Equity affords the Creditor power for recovery of his just Debts, upon the Debtors real or personal Estate, which is at the dispose of the Creditor for his satisfaction. And this one Act of Grace will be accounted by all good men and their posterities, a sufficient recompence for all the Subjects past sufferings; being the greatest Mercy that ever King of England extended to His Subjects since they were a Nation.